

562

1952.

File No. IPA 1052

C CLASS.

P W

DEPARTMENT

M. BRANCH

Subject:—

Indian Ports Acts

1908

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C [K] - 2

P. W.
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File No. IPA 1052 - M.

Std. Sect. Slip. 24 A

Correspondence

DOCKET SHEET (B)

Subject :—

File No.	IPA 1052
P. W. :	DEPT.
M	BRANCH.

References :—

Copies of pages from the main file c[5].

Date.	To whom sent.	Notes and instructions.

1

Extract from Debates in Council of States on
the 1st August, 1952.

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Shri G.G.K. Reddy: I just want a little clarification. I have nothing to say against or for the Bill but in so far as the principles in part 2 of the statement of Objects and Reasons are concerned, it would appear that even the smallest motor-boat or a pleasure boat or a private motor-boat would require the special permission of the conservator before it is allowed to operate in any port. Now, I think, Sir, if restrictions are placed for even below 100 tons vessels, then it would become highly inconvenient for even the smallest motor boats which pick up passengers or private motor boats to get the express permission of the conservator before they can ply in the port waters. I do not know why this has become necessary because you see so many of such boats plying between the ships and the jetties and in the port itself operated by shipping companies and other private individuals also for hire.

I should therefore like to know from the Hon. Minister what are the reasons for placing such a restriction. I may say that in the operation of small boats it does not require very much skill nor very much knowledge of the channels or depths in any port. If I may say, even an amateur could operate a small boat of about 40 or even 50 tons in any port. As far as I know, in Bombay for instance, these little motor boats, which operate inside the port, take a very small draft say about 1' ^{or 2'} and in no place in the port you find a depth less than 1 or 2 feet. Therefore I can understand pilotage being essential for boats of higher tonnage which take in bigger draft say 5 or 6 or 7 feet so that at low tides it may become dangerous for boats to ply in the Port. So I should like to know from the Hon. Minister why such a restriction is placed and I feel that that the restriction would vitiate against the normal pleasure or even the hire boats plying in the ports.

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Shri C.G.K.Reddy: (Mysore): ***

In so far as the Hoogli is concerned, I agree that Hoogli is the most treacherous river in the world for bihoting and navigation, But even then I should like the hon. Minister to realize that the motor boats he is thinking of are less than 20 or 30 tons and under the law pilotage is necessary but may be waived. I should like him to understand the implications. Pilotage is very expensive even for 200. It may be good revenue for Government but certainly it would not be possible for the owners of small crafts to pay the pilotage that Government demands from the vessel. It may be that we will, as he said, waive this condition as a rule. If you are going to, as a rule, waive this condition, I don't say why this measure should have been brought. So far as Shri Abid Ali's contention that they run aground very much in Bombay and it becomes a nuisance to the traffic, I should like him one of these days to take a walk round the docks in Bombay during low tide. He will find that all the dhows and motor boats have run aground and as soon as the tide rises, they lift the small crafts up. Perhaps he is thinking of the Bombay steam boats of 200 tons. I am talking of small ones which, by this law, it will be obligatory for the owners to ask pilotage from the Port authorities. This would vitiate very much against, at any rate, the interests of the small crafts. As Chairman of the Governing Body of 'Dufferin' when the hon. Minister goes to Bombay next time, he will find that the launch that takes him to Dufferin will be operated by a 14 or 15 years-old boy. Now the minimum age is about 16. He will find a little boy of 16 taking him quite safely from the quay to the ship and back. I am trying to say that it is not necessary to know anything about the channels. The only thing to know to safely navigate a ship is you must know what the beacons mean, what particular beacons are there and how the channel is marked. That is only needed if a vessel takes in a craft of more than 6 ft. but these boats that we are including in this law are those which take one or two feet of water and which you will never find in Bombay or Calcutta. I have seen quite a few harbours where even in the lowest tide you will get less than 1 or 2 feet. It

It.....

It may be near the jetty. If a small craft ^{runs} aground, they just leave it there. All the dhows in Bombay when they are moored in the jetty, they run aground during low tide. As the tide rises, they lift it up because they are so light. So it is alright to say that an exemption will be given but if you are going to give exemption as a rule, why should you have the law at all. As an alternative I would suggest this. Supposing, apart from the knowledge of the port and the different depth in the port, if you think that reckless driving, as driving on a road by car, would mean loss of life or loss of property, then I would suggest that just like you license drivers on road, you license the drivers of motor-boats so that they know how to come alongside the jetty or ship and how to clear.

Shri M.G. Reddy : Are they not now licensed?

Shri C.G.K. Reddy: ^{No.} I would request the hon. Minister not to have this restriction. I know it is highly inconvenient for him to have the amendment here but that inconvenience would not cost the time of this House or the other House very much. I would ~~xx~~ earnestly request him that due to the reasons I have~~x~~ put forward that he should make this amendment and if he like under the part Rules you can see that such of those who are in charge of small crafts are licensed, and I should like to enlighten the hon. Minister how these things get done by Government. I can quote several instances. The Chairman of the Calcutta Port Commission suggested it because he found that the reckless driving of small craft~~i~~ is becoming a nuisance and probably there were one or two accidents. The attitude of most officials and these who know the technical matters is this that if there is one accident in the Hoogli - accidents can happen just as even expert drivers of car do get into accidents -, it can happen even in Government pilots. There are so many cases where the pilot has gone and rammed the ship ~~x~~ against a jetty or has been responsible for the sinking. But if there are one or two accidents, then immediately the Harbour Master or the Assistant Harbour Master or the pilot in his shall I say superiority complex, tell us that these people know nothing about the port, that the port is a dangerous one and we must see that

xxxxxxx only with our assistance do these small craft ply. And they make out a good case for the Government to bring in a-law like this. Sir, I have explained the implications of this measure. All I can add is that if it is possible for the hon. Minister to take off that amendment, it would be much better. And it would also not cost him much. There is no question of any opposition or support to this Bill. It is a technical matter and I do not think the hon. Minister will find any difficulty in passing through the amended Bill in the other House. I hope, therefore, that he would accede to my earnest request.

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Shri Lal Bahadur : ***

One hon. Member here asked me the question whether there is a system of issuing licenses. I may tell him that there is no such system. It does not exist either in Calcutta or in Bombay. There is - though I do not know its details - some system in vogue in Madras. So these vessels have not take out licences and so it becomes all the more necessary to have some control on them. This exemption that we can provide in the rules gives us some control. As I said before, the Calcutta Port authorities and even the technical officers under the Director General of Shipping, are of the opinion that all sea-going vessels, irrespective of tonnage, should be under the control of the pilot of the port while they move up and down the Hoogly River. That recommendation came from the Calcutta Port Trust and they are quite definite about it. It was suggested by our Department here that if you are going to provide any such thing for the Calcutta Port, it is better that ~~the~~ we do it for the other ports also.. Therefore we have made this provision. It is, of course, not possible to accept any amendment as Mr. Reddy has suggested because we have passed the Bill, clause by clause and when the House is on the third reading of the Bill, no amendment can be moved or accepted. But I can assure Mr. Reddy that we will make such rules as will not cause any inconvenience to small vessels. I cannot say and I am not in a position to say anything more than that. But it will

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will be our concern to see that small vessels are not put in to any inconvenience.

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Shri C.G.K. Reddy: In the Rules that he proposes to make, can the hon. Minister give us an assurance that he will so draft them that in the different ports he can introduce Rules for licensing of drivers of small craft and then see that those who have a license under this Act are exempted from pilotage obligations?

Shri Lal Bahadur : I shall have it examined.

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Telegrams :-
Transport.

GOVERNMENT OF INDIA
MINISTRY OF TRANSPORT.

No. 15-PII(1)/51.

NEW DELHI, the 23rd August 1952.

From:-

Shri C. Parthasarathy,
Under Secretary to the Government of India.

To

The Secretary to the Government of Bombay,
Public Works Department,
Bombay Castle, Bombay.

Subject:- Amendment to the Indian Ports
Act. 1908(XV of 1908).

Sir,

I am directed to refer to this Minister letter of even number dated the 28th June 1952 on the above subject and to say that the Indian Ports (Amendment) Bill, 1952 was passed by the House of the People on the 17th July 1952 with the amendment that in sub-clause 2(a) of the Bill, a period of two months instead of one month should be specified. The Bill, as passed by the House of the People, was passed by the Council of States on the 1st August 1952. The Bill received the assent of the President on the 9th August 1952 and the Act was published as Act No.LV of 1952 in a Gazette of India Extraordinary Part II Section I dated the 9th August 1952.

2. I am to add that in the course of the debate on the Indian Ports (Amendment) Bill, 1952 in the Council of States on the 1st August 1952 - vide extracts enclosed, the Ministry of Transport gave assurances on the following two points:-

(i) Although the Indian Ports Act, 1908 as amended would make it obligatory on the part of all mechanically propelled vessels irrespective of tonnage to comply with the requirements of compulsory pilotage, provision would be made in the relevant port rules so as not to cause any inconvenience to small vessels and
(ii)....

(ii) the question of amking provision in the relevant port rules for licensing of drivers of small craft and exempting such license holders from pilotage obligations will be examined.

I am to request that your comments on the points mentioned above may kindly be furnished to this Ministry at an early date.

Yours faithfully,

Sd/-

(C. PARTHASARATHY)

Under Secretary to the Government of India.

D.A.' Referred to'
/Roshan / 22-8 /
!C-20'

91

V. Urgent.

No. IPA 1052 M

I P A 1052/79950

P.W.D.

B.C. (Bombay No.1)

26th September 1952.

To

The P.O., M, M.D.

Subject :- Amendment to the Indian Ports Act, (1908
(XV of 1908)

Sir,

I am directed to forward herewith copies of letter No. 15-P II(i)/51, dated the 23-8-52, from the Government of India, Ministry of Transport, and its accompaniment, on the subject mentioned above, and to request you to after your remarks on para. 2 of the letter in question.

D.A. Copies of letter and
and accompt.

Yours faithfully,
Assistant Secretary.

Id.
20-9-52

11

GOVERNMENT OF INDIA,
Ministry of Transport,
MERCANTILE MARINE DEPARTMENT, BOMBAY DISTRICT,
"Commerce House", Ballard Estate, Bombay - 1.

T'Gram: PRINCIPOFF
T'Phone: 27074

No. 4977
Dated the 25th October 1952

To

The Secretary to the Government of Bombay,
P.W.D.,
Bombay Castle,
Bombay,

Sir,

Reference your letter No. IPA 1052 M, dated 14th Oct. 1952.

I give below comments of the Nautical Surveyor of this Department on the proposals contained in Ministry of Transport letter No. 15-P II(1)/51, dated the 23rd August 1952:-

- "(1) It is hardly possible to make it obligatory on the part of all mechanically propelled vessels irrespective of Tonnage to comply with the requirement of compulsory pilotage.
- (2) It is felt that all the pilotage authorities may be consulted prior to amendment of the act, whether they can cope with the situation created by the proposed amendment and if so, at what extra cost.
- (3) However the following point requires consideration:-
That all the Inland Vessels are manned by a duly qualified Officer holding a certificate of competency as Serang, 2nd Class Master or 1st Class Master granted under I.S.V. Acts. The syllabus for the 2nd Class and 1st Class Master includes an examination as to their local knowledge of the port. In view of this, it would appear that compulsory pilotage is not necessary for this Class of vessels (that is I.S.V's).
- (4) It is proposed that the act could be made applicable to all mechanically propelled vessels proceeding TO SEA with exemptions to :
(a) Pleasure Yachts (b) Hopper Barges and Dredgers
(c) Tugs.
What shall constitute proceeding TO SEA :- -- -- -- --

may be decided by individual pilotage for their respective parts.

Comments on (ii) of 2 of P.U.C. do not arise."

I agree with the views expressed above.

Yours faithfully,

Id.

(B.K.Gupta),
PRINCIPAL OFFICER,
MERCANTILE MARINE DEPARTMENT,
BOMBAY DISTRICT.

No. IPA 1052 M.

Public Works Department,
Bombay Castle (Bombay No.1)
13th November 1952.

From

Shri S. A. Joshi, B.Sc.,
Assistant Secretary to the Government of Bombay,
Public Works Department.

To

The Under Secretary to the Government of India,
Ministry of Transport,
New Delhi

Subject: Amendment to the Indian Ports Act, 1908
(XV of 1908).

...

Sir,

I am directed to refer to the correspondence ending with your letter No. 15-PII(1)/51, dated the 30th October 1952, on the subject mentioned above, and to offer the following comments on paragraph 2(i) of your letter of the 23rd August 1952:-

(1) It is hardly possible to make it obligatory on the part of all mechanically propelled vessels irrespective of tonnage to comply with the requirement of compulsory pilotage.

(2) It is felt that all the pilotage authorities should be consulted prior to amendment of the act, whether they can cope with the situation created by the proposed amendment and if so, at what extra cost.

(3) However, the following point requires consideration:

That all the Inland Vessels are manned by a duly qualified officer holding a certificate of competency as Serang, 2nd Class Master or 1st Class Master granted under Inland Steam Vessel Act. The syllabus for the 2nd class and 1st class Master includes an examination as to their local knowledge of the port. In view of this, it would appear that compulsory pilotage is not necessary for this class of vessels (that is Inland Steam Vessels).

(4) It is proposed that the Act should be made applicable to all mechanically propelled vessels proceeding To Sea with exemptions to :

- (a) Pleasure yachts (b) Hopper Barges and Dredgers
(c) Tugs.

What shall constitute proceeding To Sea may be decided by individual pilotage authority for their respective Ports.

2. As regards paragraph 2 (ii) of your letter of the 23rd August 1952, I am to state that no comments are necessary.

Yours faithfully,

Id.
13-11-52

Assistant Secretary to the Government
of Bombay, Public Works Department.

Telegrams:
Transport.

Government of India.
Ministry of Transport.

No. 15-PII(1)/52.

New Delhi, the 14th October, 1952.

From:-

Shri C.Parthasarathy,
Under Secretary to the Government of India.

To

List attached.

Sub:- Amendment of Section 31(1) and
31(3) of the Indian Ports Act.
1908.

Sir,

I am directed to say that section 31(1) of the Indian Ports Act, 1908, as it stands at present, makes it incumbent on the master of a vessel to take on board a pilot, harbour master or assistant of the port officer or harbour master while entering, leaving or being moved in any port to which this section has been specially extended. There is, however, no provision in the Act to make it obligatory on the master of the vessel to hand over pilotage control of the vessel to a pilot while the vessel is entering, leaving or being moved in the port. The absence of such a provision caused certain difficulties in the Bombay Port where the master of a vessel took on board a pilot of the port but did not hand over pilotage control of the vessel to the pilot while moving within port limits resulting in the collision of the vessel with the Ballard Pier. No action could in law, be taken against the master because he had complied with the provisions of the Indian Ports Act, 1908 inasmuch as section 31(1) of the Act merely makes it incumbent upon the master to take on board a pilot but does not make it obligatory on his part to hand over pilotage control of the vessel to the port. The Bombay Port

Port Trust, therefore, proposed that section 31(1) of the Act should be suitably amended to rectify the position. The Port Trust have also suggested that the opportunity may be availed of to amend sub-section(3) of section 31 of the Act so as to enhance the maximum amount of penalty laid down therein, for failure to comply with the provisions of section 31(1), from Rs.200/- to Rs.500/- as the existing limit is inadequate.

The Government of India will be glad to have

Your Governments'

considered views in the matter. An early reply is requested.

Yours faithfully,

Sd/-

(C.Parthasarathy)

Under Secretary to the Govt. of India.

D.A. 'Nil'

Copy with a copy of the letter and enclosures referred to, forwarded to the Ministry of Railways (Railway Board) with the request that their views, in so far as the Vizagapatam Port is concerned, may kindly be forwarded to this Ministry at an early date.

Sd/-

(C. Parthasarathy)

Under Secretary to the Govt. of India.

D.A. 'Referred to'

Copy forwarded to the Chairman, Bombay Port Trust.

Sd/-

(C.Parthasarathy)

Under Secretary to the Govt. of India.

D.A. 'Nil'

1. The Chairman of the Commissioners for the
Port of Calcutta, Calcutta.

2.....

2. The Chairman, Madras Port Trust, Madras.
3. The Administrative Officer, Cochin Harbour,
Willington Island P.O.
4. The Development Commissioner, Kandla,
Gandhidham (Kutch).
5. The Chief Commissioner, Kutch.
6. The Secretary to the Government of Travancore-
Cochin, Public Works and Communications Depart-
ment, Government Secretariat, Trivandrum.
7. The Secretary to the Government, of the United,
State of Saurashtra, Communications Department,
Rajkot.
8. The Secretary to the Government of Bombay, Public Works
Department, Bombay Castle, Bombay.
9. The Secretary to the Government of Madras,
Public Works Department, Fort, St. George,
Madras.
10. The Secretary to the Government of West Bengal, Commerce
and Industries Department, Calcutta.
11. The Secretary to the Government of Orissa, Commerce and
Labour Department, Cuttack.

IPA 1052/97724

P. W. D.

No. IPA 1052 M.

B. C. (Bombay No.1),
21st October 1952.

To

The P. O., M.M.D.

Subject: Amendment of section 31(i)
and 31(3) of the Indian Ports
Act, 1908.

Sir,

I am directed to forward herewith a copy -
of letter No. 15-PII(i)/52, dated the 14-10-52,
from the Government of India, Ministry of Transport, on th
on the subject mentioned above, and to request you
to offer your remarks in the matter,

Yours faithfully,

Id.
20-10-52.

Assistant Secretary.

D.A. Copy of letter.

T'Grams:PRINCIPOFF.
T'Phone:2 7 0 7 4 .

GOVERNMENT OF INDIA
Ministry of Transport
MERCANTILE MARINE DEPARTMENT, BOMBAY DISTRICT.
"Commerce House", Ballard Estate, Bombay-1/

No.5169 of the 5th November 1952.

To

The Assistant Secretary, to the Govt. of Bombay,
Public Works Department,
Bombay Castle,
B O M B A Y.

Sub:- Amendment of Section 31(1) and 31 (3)
of the Indian Ports Act, 1908.

Sir,

With reference your letter No.IPA.1052M,
dated the 21st October 1952 on the above
subject. I consider that Section 31 (1) as
it stands, needs no further amendment. An
amendment would complicate matters and may
result in the Pilotage Authority being held
liable for damage to ship, cargo and berths
and possibly for loss or injury to life.

2. I see no objection to the enhancement
of the penalty under Section 31(3) of the
Indian Ports Act, 1908.

Yours faithfully,

Sd/-

(B. K. Gupta)
PRINCIPAL OFFICER
MERCANTILE MARINE DEPARTMENT
BOMBAY DISTRICT.

23

IPA 1052/105481

No. IPA 1052 M

P. W. D.
B. C. (Bombay No.1),
30th December 1952.

To

The under Secretary to the Government of India,
Ministry of Transport,
New Delhi.

Subject: Amendment of Sections 31(1) and
31(3) of the Indian Ports
Act, 1908.

Sir,

I am directed to refer to your letter No. 15-PII(1)/52 dated the 14-10-52, on the subject mentioned above, and to state that this Government considers that Section 31(1) of the Indian Ports Act, 1908, as it stands, needs no further amendment. An amendment would complicate matters and may result in the Pilotage Authority being held liable for damage to ship, cargo and berths and possibly for loss or injury to life. As regards section 31(3) of the Act I am to state that there is no objection to the enhancement of the penalty from Rs. 200/- to Rs. 500/-.

D.A. Nil.

Yours faithfully,
Assistant Secretary.

Id.
8-11-52

IPA 1052/105481

No. IPA 1052 M.

P. W. D.
B.C. (Bombay No. 1),
27th Nov. 1952.

To

The P.O., M. M. D.

Subject: Amendment of Section 31(1) and
31 (3) of the Indian Ports Act, 1908.

Sir,

With reference to para. 2 of your letter No.5169, .
dated 5-11-52, on the subject mentioned above, I am directed
to request you to clarify how the enhancement of the
penalty under section 31(3) of the Indian Ports Act,
1908 would meet with the proposals made by the Government
of India in para 1 of its letter No. 15-PII (1)/52,
dated the 14-10-52.

D.A. Nil.

Yours faithfully,
Assistant Secretary.Id.
23-11-52

GOVERNMENT OF INDIA
Ministry of Transport
MERCANTILE MARINE DEPARTMENT

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T'Grams: PRINCIPOFF.
T'Phone: 2 7 0 7 4 .

No. 5775

Dated 10th December 1952.

From: The Principal Officer,
Mercantile Marine Department, Bombay District,
"Commerce House", Ballard Estate, B O M B A Y 2 1

To

The Assistant Secretary to the Govt. of Bombay,
Public Works Department, B O M B A Y .

Subject:- Amendment of Section 31(1) and 31(3)
of the Indian Ports Act, 1908.

Sir,

With reference to your letter No. IPA 1052 M. of 27th November 1952 on the subject mentioned above, I have to state that the enhancement of the penalty under Section 31(3) of the Indian Ports Act, 1908 would not meet with the proposals made by the Government of India in para 1 of their letter No.15-P11(1)/52 dated 14th October 1952. Reference is invited to para 1 of my letter No.5169 of 5th November 1952, in this context.

2. As proposed by Government of India in their letter No. 15-P11(1)/52 of 14th October 1952, opportunity may be availed of to amend Section 31(3) of the Act so as to enhance the maximum penalty laid down i.e. from Rs. 200/- to Rs.500/-.

Yours faithfully,

Sd/-

(B. K. Gupta)
PRINCIPAL OFFICER,
MERCANTILE MARINE DEPARTMENT,
BOMBAY DISTRICT.

No. IPA 1052 M.

Public Works Department,
Bombay Castle (Bombay No. 1),
30th December 1952.

From

Shri S. G. Jadhav, B. A.,
Assistant Secretary to the Government of Bombay,
Public Works Department.

To

The Under Secretary to the Government of India,
Ministry of Transport,
NEW DELHI.

Subject: Amendment of Sections 31(1) and 31(3)
of the Indian Ports Act, 1908.

.....

Sir,

I am directed to refer to your letter No. 156PII(1)/52, dated the 14th October 1952, on the subject mentioned above, and to state that this Government considers that Section 31(1) of the Indian Ports Act, 1908, as it stands, needs no further amendment. An amendment would complicate matters and may result in the Pilotage Authority being held liable for damage to ship, cargo and berths and possibly for loss or injury to life. As regards Section 31(3) of the Act, I am to state that there is no objection to the enhancement of the penalty from Rs. 200/- to Rs. 500/-.

Yours faithfully.

Sd/-

Assistant Secretary to the Government of Bombay,
Public Works Department.

D.A.- Nil.